

ORIGINAL FILE
ILLINOIS COMMERCE COMMISSION

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

ORIGINAL

ILLINOIS RURAL ELECTRIC CO.,)
an Illinois not-for-profit corporation,)
)
Complainant,)
)
v.)
)
CENTRAL ILLINOIS PUBLIC SERVICE)
COMPANY d/b/a AmerenCIPS,)
)
Respondent.)

DOCKET NO: 01-0651

ILLINOIS
COMMERCE COMMISSION
2002 SEP 16 P 2:01
CHIEF CLERK'S OFFICE

**CENTRAL ILLINOIS PUBLIC SERVICE COMPANY'S RESPONSE
TO COMPLAINANT'S MOTION FOR JUDGMENT**

NOW COMES Respondent herein, Central Illinois Public Service Company d/b/a AmerenCIPS ("CIPS"), by and through its attorneys, Sorling, Northrup, Hanna, Cullen & Cochran, Ltd. and Scott C. Helmholtz, and for its response to the Motion for Judgment of Complaint Illinois Rural Electric Co. ("IREC"), states as follows:

1. IREC contends that on May 28, 2002, the City of Pittsfield (the "City") has "granted an Ordinance authorizing IREC to . . . maintain an electric power distribution system in the City . . . which included the annexed Lipcamon premises".

2. IREC omits to mention in its "Motion for Judgment" herein that IREC has filed a complaint for declaratory judgment against the City and CIPS in which IREC asked the Pike County Circuit Court to find and declare that Ordinance No. 1264 has been lawfully enacted (*copy of Count XIII attached*).

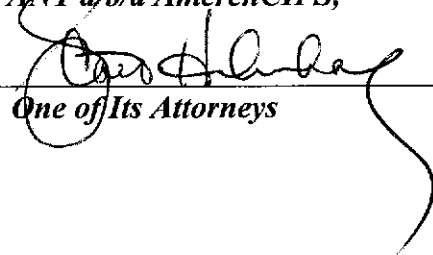
3. It is inappropriate and inconsistent and premature for IREC to represent to the Commission that Ordinance No. 1264 effectively grants IREC franchise authority in the City of Pittsfield while simultaneously telling the Pike County Circuit Court that the validity of the Ordinance is subject to question due to possible procedural defects described in IREC's Pike County Complaint.

4. Even if the Pike County Circuit Court ultimately validates Ordinance No. 1264, a mixed question of fact and law will remain as to whether IREC's obtaining franchise authority almost three (3) years after the annexation (October 19, 1999) satisfies the "can or does qualify to serve in such municipal area" within the meaning of Paragraph 6 of the parties' Service Area Agreement.

WHEREFORE, for the foregoing reasons, Respondent asserts that this matter is not ripe for final determination at this time and requires development of a full and complete evidentiary record before the Commission adopts any final order on the merits.

***CENTRAL ILLINOIS PUBLIC SERVICE
COMPANY d/b/a AmerenCIPS,***

By:


One of Its Attorneys

Scott C. Helmholz, Esq.
Sorling, Northrup, Hanna,
Cullen & Cochran, Ltd.
Suite 800 Illinois Building
P.O. Box 5131
Springfield, IL 62705
Telephone: 217.544.1144

PROOF OF SERVICE

The undersigned hereby certifies that a copy of the foregoing ***CIPS' Response to Complainant's Motion for Judgment*** was served by placing same in a sealed envelope addressed:

Donald L. Woods, Esq.
Administrative Law Judge
Illinois Commerce Commission
527 E. Capitol Street
Springfield, IL 62701

Mr. Greg Rockrohr
Case Staff
Illinois Commerce Commission
527 E. Capitol Street
Springfield, IL 62701

Jerry Tice, Esq.
Grosboll, Becker, Tice & Reif
101 East Douglas
Petersburg, IL 62675

and by depositing same in the United States mail in Springfield, Illinois, on the ***16th*** day of ***September***, ***2002***, with postage fully prepaid.

